

## MINUTES OF A SPECIAL MEETING

### BROOKLYN CITY COUNCIL

**July 22, 2013**

**7:00 p.m.**

Present: Colleen Gallagher  
Katie Gallagher  
Kevin Tanski  
Tom Murphy  
Kathy Pucci  
Tony DeMarco  
Ron Van Kirk

Absent: None

Pledge of Allegiance.

#### **PUBLIC SESSION:**

None.

#### **REQUESTS:**

Request from Finance Dept. for authorization for reconciling bank entries from prior calendar years, some carried on statements to 2006, in order to clean them from the monthly statements. Procedures will be in place moving forward. This authorization goes along with Ord. 2013-48. **MOTION** by Murphy, second by Tanski to authorize the procedure for reconciling entries. **VOTE RESULTED:** *Authorize:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. **(AUTHORIZED)**

Request from the Mayor's Office for authorization to accept a \$1,000 grant from Sam's Club/Wal-Mart to be used for the city's annual Thanksgiving meal program. The Mayor said this will pay for turkeys and pies, and is greatly appreciated. **MOTION** by C.Gallagher, second by Tanski to accept the grant. **VOTE RESULTED:** *Accept grant:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. **(AUTHORIZED)**

Request from Service Dir. for authorization for night work construction on Northcliff from Ridge to Idlewood bridge as part of 2013 street repairs. It would be from 9 p.m. – 6 a.m., to begin at end of month, and help minimize effect on daily business activities. Councilwoman K.Gallagher asked if area residents were notified. Dir. Verba said they're waiting for a start-up date so they can let them know, and signs will be placed. Engineer Courtney said pre-warning signs will be placed. The paver is behind due to rain storms, but within one week or at the end of the month. Councilwoman K.Gallagher questioned Council voting on this and the residents don't know about this and be able to comment. Eng. Courtney said the night work will be for milling old asphalt off and paving operations (new asphalt), which will be 1- 1½ nights for milling, and the same for re-paving. Any base concrete repairs will occur during the day. At no time will the road be closed; lanes will be restricted, but two-way traffic will always be maintained. **MOTION** by Murphy, second by Van Kirk to authorize the night-work. **VOTE RESULTED:** *Approve:* Yes: C.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: K.Gallagher. **(AUTHORIZED)**

Council President Pucci requested that the more lead time we have we need to keep residents informed, even though this is a limited amount of time, in the future.

Request for authorization from the Service Dir. for a Change Order for the Sport Court. There is no change to the expenditure amount, but the repairs to the basketball court won't be as extensive as initially estimated, so the funding will be used to address the tennis courts. President Pucci asked of one of the tennis courts was going to be eliminated, and Mgr. McGinty replied some tiles need to be replaced, and the farthest court will have some tiles removed, as there is no net across it, and it is also used for storage of picnic tables during the winter. President Pucci doesn't like the fact of going from four to three courts. Mgr. McGinty said it was explained that the tiles that were being removed would not affect the court itself, just along the fence. Dir.

Verba agreed, adding we don't get much play there. President Pucci said it's because we don't get an instructor or promote it like it used to, and haven't done so in several years. It was reiterated that the tile removal will not affect the last court. Councilman Van Kirk asked how quickly this will be done, and was told everything has to be done before September 1<sup>st</sup>, as required by the CDBG program. **MOTION** by C.Gallagher, second by Van Kirk to authorize the Change Order. **VOTE RESULTED:** *Approve:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. **(AUTHORIZED)**

Discussion/authorization for advertising for bids for the Splash Pad. President Pucci had sent Council e-mails explaining that somewhere there was a re-design which took construction costs from \$162,000 to \$220,000 (from Engineer Courtney). It is unclear how the advertising for bids moved forward without Council authorization when the project was redesigned. Doug Courtney was present.

The Mayor said everyone agrees we don't want to lose the \$150,000 grant, but time is slipping away; and the Engineer told him there's not enough time to continue forward. Mr. Courtney said he believes it's too late to get it built on the timeline that CDBG requires this year. It was explained that all the work and the billing, even the cleared checks, must be returned to the city for the CDBG documentation, inspection by CDBG; and with the tight timeline, if that does not happen, the city is responsible for full payment. Concerns were brought up about if it went to bid, would someone even bid, or would they meet the deadline. It would have to have plans prepared, advertised, reviewed, accepted, come to Council; it takes three weeks for advertising period (first ad to bid opening), a week or so to review and get to Council, then two to three weeks from award of contract to get signatures, bonds, insurance, pre-construction meeting, and getting started. It would be seven to eight weeks before a 'bucket is put in the ground', then six to eight weeks to complete, if they start right away. Additional comments and questions were had on why this project seemed to sit around, and was mismanaged, and how residents will now not see this splash pad they were expecting. Mgr. McGinty explained the pad was to be put on the west area of the outdoor pool decking, but a company came back saying there had to be new equipment as they couldn't use existing; from there she doesn't know what engineering documents were. Since that time the ADA compliance changed, and we were allowed to keep the baby pool open. Mr. Courtney said the design went forward with the splash pad with its own pump, filtration, sanitation equipment; as opposed to what was applied for in the grant, which was assuming existing equipment could be used. Councilman DeMarco said then the assumption that was made by him or who he outsourced to was wrong, and the result is no splash pad. He felt it was not handled well at all. After further discussion, it was agreed by everyone that due to the handling, miscommunications, and confusion throughout this project, that it would be best not to move forward, and the residents will not be getting the anticipated Splash Pad. It was further discussed that a better process needs to be in place for the handling of grants and projects to ensure their success. **MOTION** by Van Kirk, second by K.Gallagher to not authorize moving forward with the Splash Pad/CDBG project. **VOTE RESULTED:** *Not Authorize:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None. **(NOT AUTHORIZED)**

#### **LEGISLATION:**

**RESOLUTION 2013-6:** A Resolution for pickup contributions for members of the City of Brooklyn Police and Fire Departments. Changes due to the employee contributions (deducted from pay and remitted on employees' behalf) to the Police and Fire Pension Funds going up: July 2013, 10.75%; July 2014, 11.50%; July 2015, 12.25%. **MOTION** by Van Kirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. *Adopt:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. **(ADOPTED)**

**ORDINANCE 2013-48:** To provide for the creation and use of an Unclaimed Monies Fund (#621). This is for funds unclaimed (issued checks, payroll, accounts payable uncashed), to be put in a special fund, held for five years, notify the party, and if unclaimed it reverts back to General Fund. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. *Adopt:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. **(ADOPTED)**

**ORDINANCE 2013-49:** Amended Annual Appropriations. Amending Ordinance 2013-8, as amended by Ord. 2013-36, entitled, 'An Ordinance to make appropriations for current and other expenditures of the City of Brooklyn, State of Ohio, for the period January 1, 2013 to December 31, 2013.' **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: C.Gallagher,

K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. *Adopt: Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. (ADOPTED)*

**ORDINANCE 2013-50:** Authorizing the Mayor of the City of Brooklyn, Ohio to enter into a contract with the Northern Ohio Patrolmen's Benevolent Association, Patrol and Sergeants Unit. Councilwoman K.Gallagher asked where in the contract there were changes favorable to the city, that we conceded a lot, and didn't get much in return. Dir. Claussen said the healthcare is what the city got in return, going from employees paying zero, to now 6.9%, and it will go up to 10% and then re-negotiate in the last year. Councilman Van Kirk noted the 6.9% was already happening, so it really went up 3.1%. President Pucci, going from the red-lined copy, asked a few questions, which were clarified by Dirs. Claussen and Esarey, mostly with the definition of permanent option under healthcare. Councilman Tanski commented the firm has been paid very well, and the city has received nothing for the city except hospitalization, and asked if we gained anything. Dir. Claussen said we gained on the healthcare. He reminded it went to a fact finder and they came back with a decision, for the city to either go with the decision or reject it. There was some discussion on fact finding. Dir. Esarey said the fact finder report was laid out very concisely and clearly of the financial scenario for the city. Councilman Tanski asked if the fact finder based his decision on the amount of money the city had. Dir. Claussen said that, and the fact there hadn't been increases in wages in a number of years. Dir. Claussen assured that all financial based options were discussed, including clothing allowance. Councilman Tanski said he was surprised that progression was not addressed by the negotiator, which he thinks is the top of the list on any contract to negotiate. He expressed his displeasure in the payment of the firm and negotiations. President Pucci said no one is happy with how this went, but most of the financial issues were decided by the fact finder. Councilman DeMarco said this firm has the experience that no one on Council has, or the Law Director, which is why they were engaged. If Council felt there was going to be zeros across the board were kidding themselves, as there hadn't been a raise in X number of years, which is not realistic. A multitude of issues were discussed during negotiations, and how the fact finder got to where he did in his report was a process, so many things would have been discussed. Dir. Claussen said the pay increase went up 3.25%, which got them in line with the Fire Dept., and then 1½, which is less than 5% over a timeframe from 2008 until 2014. It's easy to look at it and say we didn't get anything, but other cities would be very happy to pay their employees less than 5% over six years. President Pucci said her opinion was also that there would not be zeros, it was unrealistic. Councilman DeMarco said he didn't think we were going to get much out of this negotiation process, and the healthcare component could potentially be big, as we have no idea where healthcare costs are going. He further commented he thinks the law firm did their job on behalf of the city. President Pucci said she reviewed in detail what was presented in the fact finding process, and every possible issue was given in great detail; she also has confidence that everything that should have been done was done. There is also a cap on overage time. Councilwoman K.Gallagher asked where we were at on changing the Policy Manual for the employees. Dir. Claussen said we were waiting to see what changes through here. She said she is looking to see consistency throughout all the contracts as far as what the Policy Manual says, so everyone has the same thing. Dir. Claussen said his goal is to get these done, then make the Policy. Dir. Esarey said the negotiator is looking at the larger type items, like injury leave. Councilman Van Kirk said he understands there hasn't been a raise since 2008, but with escalation of healthcare costs and it being 0% since 2008, compared to the average citizen, that more than compensates for that pay loss. And there is no idea what will happen with healthcare, and getting that in there was very good. He asked what the cost-saving of that 10% for this contract, and Dir. Esarey said she projected about \$104,000. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. *Adopt: Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. (ADOPTED)*

**ORDINANCE 2013-51:** Authorizing the Mayor to enter into an amended agreement for the Brooklyn Community Juvenile Diversion Program. The County decreased their contributions towards the coordinators, but because our coordinator already does ancillary services such as counseling, in recognition of that they will increase their monetary payment by \$2,272.72, and he must file a monthly report on it. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. *Adopt: Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, Pucci, DeMarco, VanKirk. No: None. (ADOPTED)*

President Pucci thanked the Clerk and Finance Director for pulling together everything for the Agenda. Also a potential special meeting will be held in the middle of August.

Councilman DeMarco said his expectations at the first meeting in September the Mayor has an explanation for what happened with the Splash Pad situation for the residents; and a communication change be put in place so there is not this problem in the future.

Mayor Balbier said the ribbon was cut today for the Domino Trust cardiovascular room at the Rec Center, and suggested Council check it out.

There being no further business, **MOTION** by C.Gallagher, second by Van Kirk to adjourn. **VOTE RESULTED: Adjourn:** Yes: C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci, VanKirk. No: None **(ADJOURNED)**

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Asst. Clerk of Council

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President of Council